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ABSTRACT

This learning module, one in a series of competency-based guidance program training packages focusing upon professional and paraprofessional competencies of guidance personnel, deals with developing ethical and legal standards. Addressed in the module are the following topics: applying a code of ethics and ethical standards, adhering to legal standards, defining personal values and ethical standards, implementing ethical decision making, and dealing with individuals and institutions that are participating in unethical standards. The module consists of readings and learning experiences covering these five topics. Each learning experience contains some or all of the following: an overview, a competency statement, a learning objective, one or more individual learning activities, an individual feedback exercise, one or more group activities, and a facilitator's outline for use in directing the group activities. Concluding the module are a participant self-assessment questionnaire, a trainer's assessment questionnaire, a checklist of performance indicators, a list of references, and an annotated list of suggested additional resources. The ethical standards of the American Association for Counseling and Development are appended to the module. (MN)

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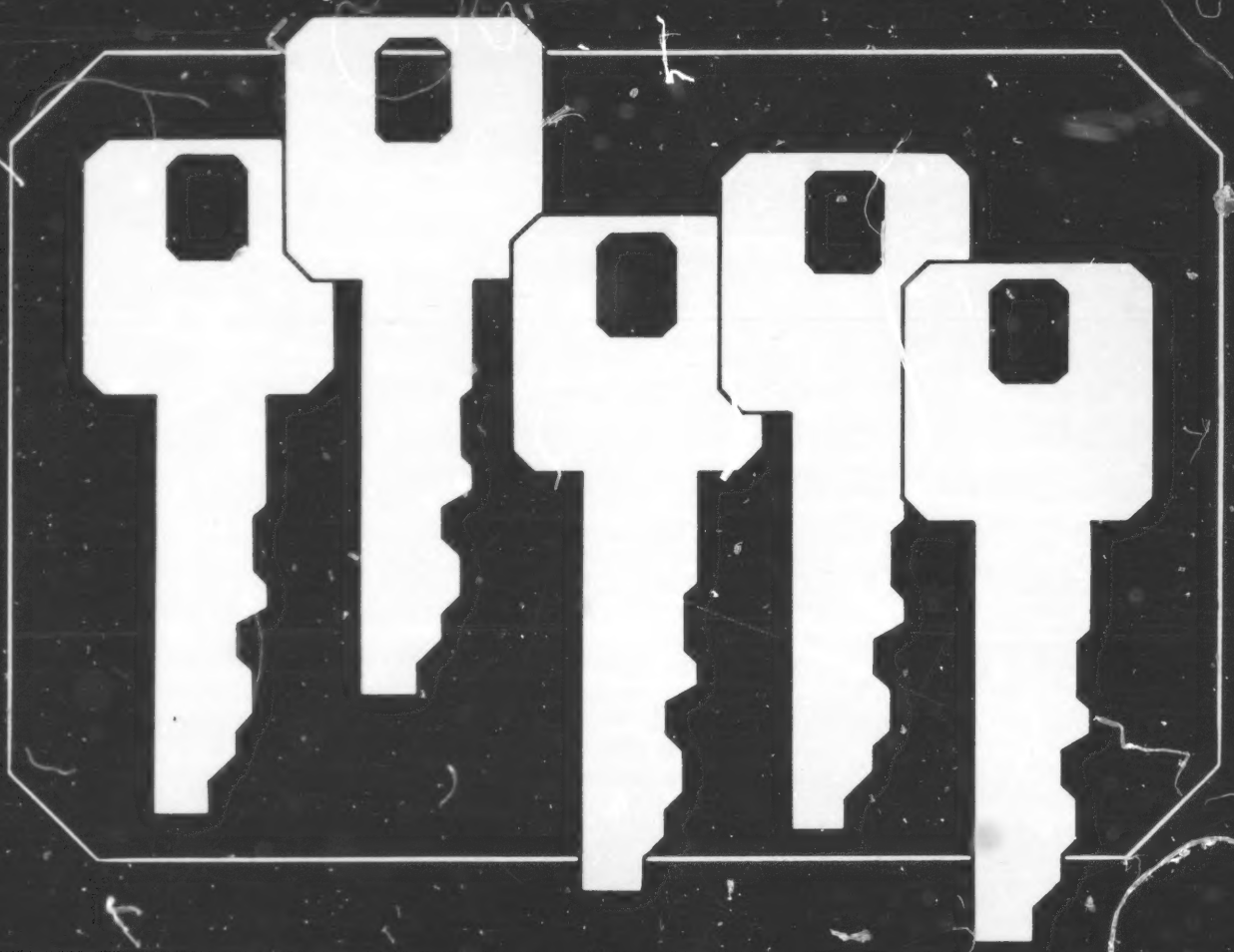
# Develop Ethical and Legal Standards



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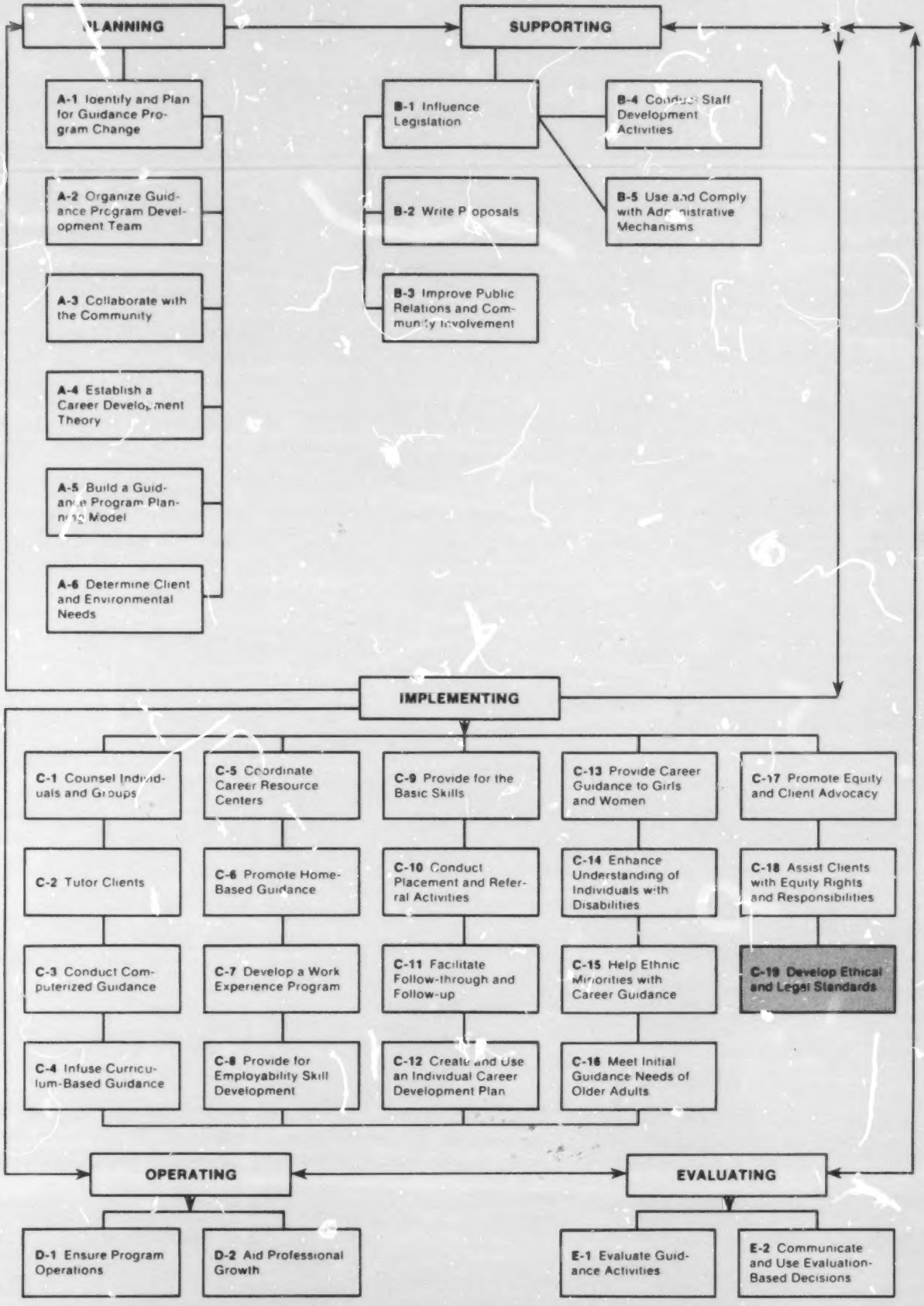
# COMPETENCY-BASED CAREER GUIDANCE MODULES


PLANNING
SUPPORTING
A-1 Identify and Plan for Guidance Program Change
A-2 Organize Guidance Program Development Team
A-3 Collaborate with the Community
A-4 Establish a Career Development Theory
A-5 Build a Guidance Program Planning Model
A-6 Determine Client and Environmental Needs
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OPERATING
EVALUATING
D-1 Ensure Program Operations
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E-1 Evaluate Guidance Activities
E-2 Communicate and Use Evaluation-Based Decisions

# Develop Ethical and Legal Standards

MODULE
CG
C-19

Module CG C-19 of Category C — Implementing
**Competency-Based Career Guidance Modules**

by Louis V. Paradise
Catholic University
Washington, DC

**The National Center for Research in Vocational Education**
The Ohio State University
1960 Kenny Road
Columbus, Ohio 43210

**1985**

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# FOREWORD

This counseling and guidance program series is patterned after the Performance-Based Teacher Education modules designed and developed at the National Center for Research in Vocational Education under Federal Number NE-C00-3-77. Because this model has been successfully and enthusiastically recieved nationally and internationally, this series of modules follows the same basic format.

This module is one of a series of competency-based guidance program training packages focusing upon specific professional and paraprofessional competencies of guidance personnel. The competencies upon which these modules are based were identified and verified through a project study as being those of critical importance for the planning, supporting, implementing, operating, and evaluating of guidance programs. These modules are addressed to professional and paraprofessional guidance program staff in a wide variety of educational and community settings and agencies.

Each module provides learning experiences that integrate theory and application; each culminates with competency referenced evaluation suggestions. The materials are designed for use by individuals or groups of guidance personnel who are involved in training. Resource persons should be skilled in the guidance program competency being developed and should be thoroughly oriented to the concepts and procedures used in the total training package.

The design of the materials provides considerable flexibility for planning and conducting competency-based preservice and inservice programs to meet a wide variety of individual needs and interests. The materials are intended for use by universities, state departments of education, postsecondary institutions, intermediate educational service agencies, JTPA agencies, employment security agencies, and other community agencies that are responsible for the employment and professional development of guidance personnel.

The competency-based guidance program training packages are products of a research effort by the National Center's Career Development Program Area. Many individuals, institutions, and agencies participated with the National Center and have made contributions to the systematic development, testing, and refinement of the materials.

National consultants provided substantial writing and review assistance in development of the initial module versions; over 1300 guidance personnel used the materials in early stages of their development and provided feedback to the National Center for revision and refinement. The materials have been or are being used by 57 pilot community implementation sites across the country.

Special recognition for major roles in the direction, development, coordination of development, testing, and revision of these materials and the coordination of pilot implementation sites is extended to the following project staff: Harry N. Drier, Consortium Director; Robert E. Campbell, Linda Pfister, Directors; Robert Bhaerman, Research Specialist; Karen Kimmel Boyle, Fred Williams, Program Associates; and Janie B. Connell, Graduate Research Associate.

Appreciation also is extended to the subcontractors who assisted the National Center in this effort. Drs. Brian Jones and Linda Phillips-Jones of the American Institutes for Research developed the competency base for the total package, managed project evaluation, and developed the modules addressing special needs. Gratitude is expressed to Dr. Norman Gysbers of the University of Missouri-Columbia for his work on the module on individual career development plans. Both of these agencies provided coordination and monitoring assistance for the pilot implementation sites. Appreciation is extended to the American Vocational Association and the American Association for Counseling and Development for their leadership in directing extremely important subcontractors associated with the first phase of this effort.

The National Center is grateful to the U.S. Department of Education, Office of Vocational and Adult Education (OVAE) for sponsorship of three contracts related to this competency-based guidance program training package. In particular, we appreciate the leadership and support offered project staff by David H. Pritchard who served as the project officer for the contracts. We feel the investment of the OVAE in this training package is sound and will have lasting effects in the field of guidance in the years to come.

Robert E. Taylor
Executive Director
National Center for Research
in Vocational Education

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- Developing educational programs and products
- Evaluating individual program needs and outcomes
- Providing information for national planning and policy
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- Conducting leadership development and training programs

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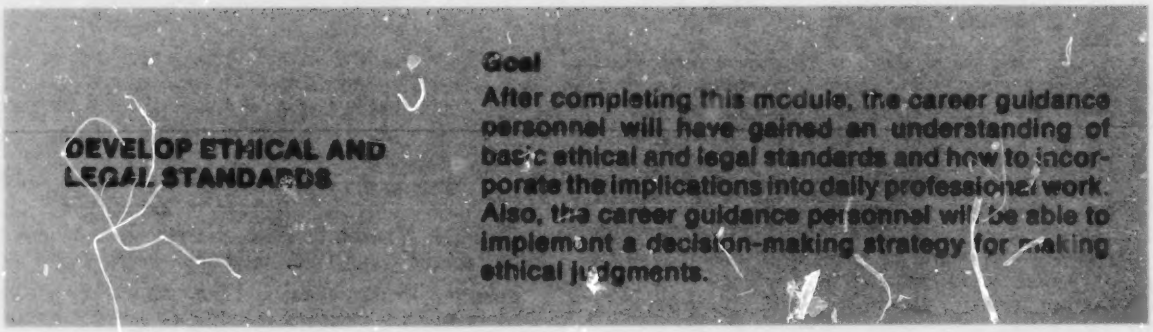
# ABOUT THIS MODULE


DEVELOP ETHICAL AND LEGAL STANDARDS
Goal
After completing this module, the career guidance personnel will have gained an understanding of basic ethical and legal standards and how to incorporate the implications into daily professional work. Also, the career guidance personnel will be able to implement a decision-making strategy for making ethical judgments.

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# ABOUT USING THE CBCG MODULES

## CBCG Module Organization

The training modules cover the knowledge, skills, and attitudes needed to plan, support, implement, operate, and evaluate a comprehensive career guidance program. They are designed to provide career guidance program implementers with a systematic means to improve their career guidance programs. They are competency-based and contain specific information that is intended to assist users to develop at least part of the critical competencies necessary for overall program improvement.

These modules provide information and learning activities that are useful for both school-based and nonschool-based career guidance programs.

The modules are divided into five categories.

The GUIDANCE PROGRAM PLANNING category assists guidance personnel in outlining in advance what is to be done.

The SUPPORTING category assists personnel in knowing how to provide resources or means that make it possible for planned program activities to occur.

The IMPLEMENTING category suggests how to conduct, accomplish, or carry out selected career guidance program activities.

The OPERATING category provides information on how to continue the program on a day-to-day basis once it has been initiated.

The EVALUATING category assists guidance personnel in judging the quality and impact of the program and either making appropriate modifications based on findings or making decisions to terminate it.

## Module Format

A standard format is used in all of the program's competency-based modules. Each module contains (1) an introduction, (2) a module focus, (3) a reading, (4) learning experiences, (5) evaluation techniques, and (6) resources.

**Introduction.** The introduction gives you, the module user, an overview of the purpose and content of the module. It provides enough information for you to determine if the module addresses an area in which you need more competence.

**About This Module.** This section presents the following information:

**Module Goal:** A statement of what one can accomplish by completing the module.

**Competencies:** A listing of the competency statements that relate to the module's area of concern. These statements represent the competencies thought to be **most critical** in terms of difficulty for inexperienced implementers, and they are **not** an exhaustive list.

This section also serves as the table of contents for the reading and learning experiences.

**Reading.** Each module contains a section in which cognitive information on each one of the competencies is presented.

1. Use it as a textbook by starting at the first page and reading through until the end. You could then complete the learning experiences that relate to specific competencies. This approach is good if you would like to give an overview of some competencies and a more in-depth study of others.
2. Turn directly to the learning experiences(s) that relate to the needed competency (competencies). Within each learning experience a reading is listed. This approach allows for a more experiential approach prior to the reading activity.

**Learning Experiences.** The learning experiences are designed to help users in the achievement of specific learning objectives. One learning experience exists for each competency (or a cluster of like competencies), and each learning experience is designed to stand on its own. Each learning experience is preceded by an overview sheet which describes what is to be covered in the learning experience.

Within the body of the learning experience, the following components appear.

**Individual Activity:** This is an activity which a person can complete without any outside assistance. All of the information needed for its completion is contained in the module.

**Individual Feedback:** After each individual activity there is a feedback section. This is to provide users with immediate feedback or evaluation regarding their progress before continuing. The concept of feedback is also intended with the group activities, but it is built right into the activity and does not appear as a separate section.

**Group Activity:** This activity is designed to be facilitated by a trainer, within a group training session.

The group activity is formatted along the lines of a facilitator's outline. The outline details suggested activities and information for you to use. A blend of presentation and "hands-on" participant activities such as games and role playing is included. A Notes column appears on each page of the facilitator's outline. This space is provided so trainers can add their own comments and suggestions to the cues that are provided.

Following the outline is a list of materials that will be needed by workshop facilitator. This section can serve as a duplication master for mimeographed handouts or transparencies you may want to prepare.

**Evaluation Techniques.** This section of each module contains information and instruments that can be used to measure what workshop participants need prior to training and what they have accomplished as a result of training. Included in this section are a Pre- and Post-Participant Assessment Questionnaire and a Trainer's Assessment Questionnaire. The latter contains a set of performance indicators which are designed to determine the degree of success the participants had with the activity.

**References.** All major sources that were used to develop the module are listed in this section. Also, major materials resources that relate to the competencies presented in the module are described and characterized.

# INTRODUCTION

Ethics are established standards of professional conduct derived through consensus of members in a given profession. The counseling profession has developed a code of ethical standards to apply to all persons engaged in guidance and counseling activities. The basic purpose is to provide broad guidelines regarding **right** and **wrong** guidance practices and to help clarify the responsibilities of the practitioner.

Although the ethical standards that we will be dealing with directly apply to counseling, the legal standards are not specific only to counseling activities. The status of the counselor is contained in the law as it applies to everyone; however, there are certain areas of legal consideration which relate directly to counseling activities and these will be dealt with in this module. While the legal codes are somewhat specific about what is legal or illegal, the ethical code, on the other hand, contains general statements of conduct. Counselors, when faced with ethical dilemmas, must make judgments based upon their own perceptions of appropriate or inappropriate actions. It is for this reason that we have devoted a section of this module to defining your own values as they relate to appropriate conduct.

Perhaps no other competency is more pervasive or relates more directly to all your counseling activities than the knowledge and understanding of the ethical standards, legal implications, and your own personal value system. The counselor activities and skills that comprise all the other modules in this program require, if not necessitate, a thorough awareness of the ethical and legal implications of your work. Indeed, providing the type of interpersonal service that each of these modules suggests cannot be effectively accomplished without appropriate professional conduct and this is the essence of what ethics is all about.

As a member of the career guidance team, you have multiple and overlapping responsibilities to your clients, to your employees, and to society as a whole. There always exists the potential that these overlapping responsibilities will come into conflict, thus creating an ethical dilemma. It is for this reason that we have included a section on ethical decision-making to help you resolve potential conflicts and make ethical judgments that are consistent with your own personal value system.

This module is designed to help you develop a better understanding of ethical standards and to gain experience in applying these standards to the client interactions you will have in your day-to-day operations. When you have completed this module, you will have an awareness of how your own values relate to appropriate ethical conduct and how to apply ethical decision-making strategies to resolve those ethical dilemmas.

# Applying a Code of Ethics and Ethical Standards

**Competency 1**

**Apply professionally recognized codes of ethics to professional behaviors in responding to acts of clients, problems involving parents and other family members, the public, staff and consultants, and issues regarding confidential records, referrals, and testing.**

Ethics is an important area of concern for career guidance personnel since it encompasses all of the work we do. Whether we are helping clients define their problems, select among several occupational possibilities, or learn how to use certain occupational materials, we must be aware of our ethical responsibilities. Indeed, all the other guidance competencies that have been presented in previous modules will be of little practical value if the possibility of unethical practice in your work exists. It is for this reason that we devote a major portion of this module to the task of becoming aware and knowledgeable of our ethical responsibilities to the client, to the profession, and to society.

The past several years have seen the concern with ethics grow considerably. Much of this interest has been prompted by news headlines related to government scandals and various lawsuits. What do these issues related to political and social agencies have to do with you as a member of the career guidance team? Perhaps more than you may realize at first thought. Whenever the conduct of your responsibilities simultaneously rests with individuals, clients, institutions, and society in the performance of your service, the issue of ethics, that is, right and wrong conduct, becomes increasingly apparent. Each of these elements--the client, the institution, the society--place certain demands upon us and it is not infrequent that these demands create conflict. Knowledge of the rules, regulations, and demands of the guidance profession, the institutional setting in which you work, and society in general will assist you whenever conflicts develop into ethical dilemmas.

**Ethics and Ethical Codes**

Ethics is the study of norms or standards of right and wrong. In terms of counseling, ethics can be viewed as a systematic manner in which you make **moral decisions** based upon your underlying value system as it relates to institutional, societal, and professional policies.

Ethical standards are codes of conduct that have evolved through consensus of the membership to define what is correct professional activity. The essential purpose of the ethical standards is to provide **guidelines** on specific areas of professional activity. Most professions have ethical guidelines.

The American Association for Counseling and Development (AACD) formally adopted a code of ethics in 1961. A current revision is contained in the Appendix on page 41. Later in this module, we will be making specific reference to certain sections of the standards as they apply to your work in a career guidance program.

It should be noted that while the main purpose of the ethical standards is to provide guidelines for acceptable practice by guidance personnel, they also serve other purposes.

- They provide for some measure of **freedom and autonomy** for the profession in deciding what is correct and incorrect practice
- They **protect society** and the client from incompetent and untrained individuals.

- They help **protect you from the public**. That is, if you are performing your service in ethically acceptable ways, it is unlikely that you will suffer the condemnation of society in the form of direct legal confrontations.

Courts have ruled that in the absence of law, you are left to follow the suggestions of your professional association's ethical code. For a more detailed discussion of the meaning and importance of ethics and the development of ethical codes, read Chapters 1 and 2 of *Ethics in Counseling and Psychotherapy* by Van Hoose and Paradise, listed in the references section.

**Ethical Standards for Guidance Personnel**

You can gain an excellent perspective on the role of ethical standards from a statement contained in the *Preamble* of the AACD Ethical Standards:

> The Association is an educational, scientific, and professional organization whose members are dedicated to the enhancement of the **worth**, **dignity**, **potential**, and **uniqueness of each individual** and thus to the **service of society**

The key words: "worth," "dignity," "potential," "uniqueness of each individual," and "service of society" underscore the major themes of the role and responsibilities of each counselor. These are discussed in the ethical standards in terms of seven specific areas:

- General responsibilities
- The counselor-counselee relationship
- The use of measurement and evaluation
- Research and publication
- Consulting and private practice
- Personnel administration
- Standards for preparation

In reviewing the ethical standards, you should pay particular attention to the first three sections since they specifically address issues important to your role as a member of the career guidance team. In Learning Experience 1 of this module, you will be examining the various sections of the standards in greater detail.

There is not sufficient space to examine all the elements of the ethical standards; however, for illustrative purposes we will look closely at one of the more important statements in the code. Section B, Statement 1, deals with the counselor-client relationship and is crucial to effective helping.

> The member's **primary** obligation is to respect the integrity and promote the welfare of the counselee(s), whether the counselee(s) is (are) assisted individually or in a group relationship.

The standard clearly stipulates the counselor's **responsibility**. However, a broad guideline is provided without specific details. Contrast this statement with the following standard from Section A, Statement 2, which deals with general responsibilities.

> The member has a responsibility both to the individual who is served and to the institution within which the service is performed to maintain high standards of professional conduct . . . The acceptance of employment in an institution implies that the member is in agreement with the general policies and principles of the institution. . . . If, despite concerted efforts, the member cannot reach agreement with the employer as to acceptable standards of conduct that allow for changes in institutional policy conducive to the positive growth and development of clients, then terminating the affiliation should be seriously considered.

In this statement, both the client and the institution have certain **expectations** of the counselor. While general suggestions of what may be done when conflicts or competing responsibilities arise, the counselor is expected to make specific choices of action based upon perception of what is appropriate. Other statements within the code are not as vague and do provide useful guidance as to possible courses of action. We will deal with those issues most directly related to your role--namely, confidentiality, referrals, and testing.

**Confidentiality.** Confidentiality implies that the information discussed between the counselor and the client be held in confidence. This issue is more complex than the preceding statement would suggest, because it involves the **degree**

**and extent** of confidentiality that can be maintained. The degree and extent of confidentiality will vary from situation to situation. For example, information obtained from the guidance relationship may be disclosed to others for professional use. In seeking advice from colleagues or supervisors, discussing specific client-counselor information is permissible--even encouraged. However, whenever you cannot effectively preserve the anonymity of clients, you will need to secure that person's permission. Section B, Statement 5, addresses this issue. You may wish to refer to it.

In determining when information should be divulged, the best rule to follow is: Is there a **need** for the third party to know? If the third party has a legitimate need for necessary action to occur, or if the third party has corresponding legal, social, or moral interest in the client, you will not be violating the trust or right to privacy of the client by discussing specific client-counselor information. Breaking confidentiality may be necessary, indeed even ethically and legally required, whenever there is a clear danger to human life. Section B, Statement 4, of the code stipulates:

> When the counselee's condition indicates that there is a clear and imminent danger to the clients or others, the member must take reasonable personal action or inform responsible authorities.

Normally, this action will take the course of informing your immediate supervisor of the situation. In any event, you will experience the need to make ethical judgments concerning the nature and extent of confidentiality from time to time in your work. For example, during your discussion with a client about the possibility of returning to work, the young mother relates that she wishes to find a job, but her husband is against it. The last time they discussed this issue, a violent argument ensued and the husband became physical with her and later with the daughter. The client is afraid that her husband's temper will erupt again if he finds out that she has talked about this event with anyone. This hypothetical situation is not an uncommon one and it certainly poses a potential ethical dilemma. How would you react to it?

Keeping three "rules of thumb" in mind should help you to resolve potential ethical dilemmas regarding confidentiality.

1. The judgments made by you demand that you keep the ultimate welfare of the client foremost.

2. The client should be made aware of the degree to which confidentiality can exist prior to communication within the counseling session.

3. You should be aware of any constraints on the level and and extent of confidentiality. These constraints are usually stated in the operating procedure of the organization where the service is provided.

Whenever you suspect the need to share clients' information, you request their **permission**. If it is explained in terms of being necessary to provide the best possible help for the client, most individuals will not refuse. We will return to the issues of constraints on confidentiality when we discuss legal standards.

**Confidential Materials.** While most of the discussion has centered around information obtained in counseling, the same responsibilities exist for interview notes, test data, correspondence, tape-recordings, and other documents related to information about the client. These materials are considered **professional information** for use in counseling and are not part of the public or official records of the agency. As such, they should not be released to **anyone** without the expressed consent, usually in writing, of the client. Access to these materials should be safeguarded by you.

Whenever consent is obtained from the client to release confidential materials, you should **stipulate** exactly and specifically what will be released, rather than using a general release form that covers any and all materials. The client should know and understand exactly what materials are being released and to whom.

**Referrals.** Many times problems of the client other than those you are providing services for may arise--personal, family, or emotional problems. When it appears that the client has **additional concerns**, a referral to a competent resource person is in order. The ethical code stipulates that if you are unable to provide professional help to a client because you are not competent in that problem area or because of some personal limitation, you are obligated to refer that person to a competent specialist.

In situations where it becomes known that other problems in addition to career development are of concern to the client, you may wish to discuss with your colleagues or supervisor if a referral to another professional is advisable. This requires you to be knowledgeable about the resources for referral so that satisfactory help may be obtained. If the suggested referral is declined by the client, you are not obligated to continue in the relationship past areas where you have expertise.

For example, a client who has been severely upset because of the breakup of a marriage is working on career exploration. It becomes apparent that the person's emotional state is not conducive to your efforts in career guidance. The client insists on discussing the marital relationship. In this situation the client's marital problems will take precedence over the career problems and a referral to competent professionals would be an ethically appropriate action for you to take.

Inability to provide the appropriate help to a client may also be the result of other than professional competency issues. For example, you may have difficulty **dealing with clients** whose values, religious, or other personal beliefs are in conflict with your own beliefs. Whenever these conflicts arise and they are sufficiently noticeable to pose problems or potential problems in your work with the client, discussion of the situation with your supervisor concerning a possible referral to another resource person is in order. You should remember, of course, that most of the time client differences in values, religion, and personal issues will be present. However, when these differences pose problems, referrals to others may be not only in order, but the ethically responsible thing to do. Later in the module you will be reading in greater detail the importance of values and how your values affect, to some extent, the relationships you have with your clients.

**Testing.** The single, best way to avoid potential ethical problems in the area of testing is to be **knowledgeable** and skilled in the appropriate utilization of the tests and test data you acquire. The modules related to the competencies of testing provide useful information on the appropriate uses of tests and test data. The AACD ethical code provides an entire section, Section C on measurement and evaluation related to test data.

Testing generally involves the administration, scoring, and interpretation of measurement instruments, many of which are quite complex and require considerable training before they can be used with clients. It is for this reason that tests are susceptible to misuse and potential unethical practice.

In many cases, the same type problem occurs whenever the client is a minority group member and the tests do not contain minority group members in their norms. The ethical standards specifically state that the counselor must proceed with **extreme caution** when attempting to evaluate and interpret the performance of minority group members or other persons who are not represented in the norm by which the instrument was standardized.

Tests can be quite useful, but must be used in the manner for which they were developed. Similarly, the test data, scores, and information from testing must be treated with the same degree of confidentiality as all other information from the client.

The AACD, in addition to their ethical standards for tests and testing, have prepared a position paper on the responsible use of tests to which you may wish to refer if testing is one of your major duties. It is listed in the references section of this module.

It is important to keep in mind that test data are only **one** of the sources of information you can use to help the client. The easiest way to avoid potential problems with testing is to be sure that you have a thorough understanding of the tests that you use. In doing so it is your ethical responsibility to provide an adequate orientation to the client **prior to and following** test administration so that the results may be placed in the proper perspective with other information from the counseling process.

It is also important that you recognize that socioeconomic, ethnic, and cultural factors have an effect on test scores. This can be quite important in selecting the appropriate test for use. For example, if English is not the original language of the client, tests of any type which are heavily based on reading comprehension will produce test scores that are not a valid indication of the person's real score on that measure.

# Adhering to Legal Standards

**Competency 2** — Understand the basic legal standards as they apply to specific aspects of counseling and how these legal standards relate to ethical standards.

There exists no specific body of laws that deal with the legal problems associated with guidance programs. However, because of the increased importance counseling has received, the legal implications of your work have become increasingly apparent. National and state legislation, as well as numerous court cases, have generally demonstrated that counseling is a legitimate service to the public and subject to the **same** legal issues as any other long-established profession such as medicine and law.

The legal issues most closely related to your work deal with negligence, malpractice, and privileged communication. We will discuss these terms and how they relate to your work, but you should be aware that the legal ramifications of your work are difficult to predict since they depend on unique situational aspects and changing local, state, and federal guidelines in the form of both legislation and court actions. Nonetheless, a working knowledge of certain basic legal concepts should enhance your ability to adhere to the legal standards of your work.

### Liability

Generally speaking there are two types of liability, criminal and civil. **Criminal liability** refers to those responsibilities the law demands. These are generally quite obvious, and will not be dealt with in this module. **Civil liability** deals with failing to carry out your professional responsibilities. You can be held legally liable for injury to a client when you fail to exercise proper professional care (Burgum and Anderson 1975) by: (1) performing actions which exceed your training; (2) defaming the character of the client; and (3) illegally invading the client's privacy. These actions relate directly to the legal issues of negligence and malpractice, libel and slander, and privileged communication.

### Negligence

To be held accountable for negligence you must have a **duty to the client** and **any injury** that occurred must be through negligence or improper procedures on your part. Also, some causal link must be demonstrated between your negligence and the injury (Burgum and Anderson 1975). While the basis for determination of negligence usually rests upon the **comparison** of the actions that occurred to those of a typical, hypothetical, prudent person using ordinary skill under similar circumstances, they are quite different for you as a counselor. The law demands that you possess a minimum standard of knowledge and expertise comparable to that held by all counselors. Therefore, if you fail to act skillfully and with due care, they may be held liable for any damages to the client. A typical example of this might occur if you fail to make an appropriate referral. Suppose that in working with a client it becomes known that the client has been extremely depressed and is considering suicide. Yet you are attempting to find the client a good job. You feel that the emotional problems are due to unemployment, so you fail to consider a referral to help with the individual's emotional state. You may be held liable by a relative in a civil law suit for failing to act skillfully in recognizing the need for a referral if this client attempts or carries out suicide.

However, the courts have ruled that a mistake in judgment is not negligence provided that the mistake could be made by a careful and skillful practitioner of counseling. If you perform your role as a member of the career guidance team consistent with the skills for which you have been trained, you should have no difficulty adhering to this legal standard.

### Malpractice

Malpractice refers to professional **misconduct** or a measureable lack of skill in the performance of your duties. This term overlaps with negligence since negligent acts would certainly be indicative of malpractice. For example, a counselor who guaranteed a client a suitable occupation for the rest of that person's life, provided the client paid a lot of money for this information, would certainly be engaging in malpractice.

It is difficult to define exactly what constitutes a good guidance practice since there are so many opinions and theoretical orientations related to what is the best form of practice. It is usually not as difficult to identify what is bad guidance practice. Requiring your clients to provide sexual favors in return for counseling is an example that covers not only civil liability but criminal liability. Performing services for which you were not trained, even though no injury occurred would be another example. Generally speaking, any time you do not conform to the standards of the profession, as set forth in the ethical code, you may be engaging in malpractice.

**Libel and Slander**

**Libel** is a false written statement that could damage the reputation of a client. **Slander** is similar defamation, but it is limited to spoken words. In each case, malicious intent must exist on your part, that is, personal ill-will or reckless disregard for the rights of your client. Slander is somewhat more difficult to prove because it is not as permanent as the written word.

The likelihood of your being involved in libel actions has been greatly increased due to the new laws governing open records that are made available to clients, parents, and students. The actual laws governing libel and slander vary from state to state. However, you should exercise caution whenever you are making or writing comments concerning your clients in records, case notes, in recommendations to potential employers, schools, and so forth. For example, if a potential employer calls to inquire about your opinions of a former client and you tell the employer that you believe the client to be too **unstable** to perform the job, you may be leaving yourself open for a slander lawsuit, unless you can competently justify your allegations.

As a guidance professional, consider quite carefully, the statements you make about your clients. Truthful and sincere statements made to your peers or supervisors, in an effort to help the client, would not normally be considered slander or libel. The best defense against libel or slander is the truth. However, the burden of proof of the truth rests with you. Some state laws do not require truth to be the full defense but require that any disclosures have been made with good intentions and for justifiable ends. This idea is known as "**qualified privilege**" and implies that a communication was made in good faith by a person having an interest or obligation to another person with a similar interest or duty. Comments made or written to your supervisor concerning your client would fall under this category.

The best guidelines to avoid libel and slander are to: (1) **exercise caution** when writing and/or speaking about your clients. Try not to make sweeping inferences about things the client has said. When you are in doubt about what a comment could really mean, just report exactly what was said; (2) **safeguard** your records, case files, and notes from individuals who have no need to see them; (3) whenever possible, **obtain permission** from clients to release any information about them; (4) lastly, **perform your duties** in truth and good faith as suggested by the ethical code.

**Privileged Communication**

Privileged communication requires that anything said between a client and the guidance staff during a guidance or counseling session interview will **not be divulged** regardless of the nature of the information. The concept exists to protect the client, not the guidance staff member. However, whether or not you as a professional have privileged communciation varies from state to state. While this privilege has existed for a long time for religious ministers, lawyers, and physicians, it is relatively new for guidance staff. In fact, most states do not have privileged communication for the counselor-client relationship.

This issue relates directly to confidentiality that was discussed earlier. While the information discussed in a given counseling session is to be kept confidential, it is usually unlikely that the client will have privileged communication with the counselor or other guidance staff.

You can be **made to reveal** confidential information by the courts and your confidential records, tapes, etc. can be subpoenaed by the court. For example, throughout career guidance sessions the client discusses personal minor thefts. A prosecutor requests you to testify as to whether you have any knowledge of the individual's past criminal activities. You would probably be required to tell everything or face contempt of court charges. In practice, it is always best to assume you do not have privileged communication and explain this to the client whenever that person is concerned about confidentiality.

You should--

- ensure that the client **understands the extent of confidentiality**;

- keep your **records free from old and irrelevant information**; and

- ensure that **information in records is truthful** and made in good faith for the best interest of the client.

This legal issue is one in which the ethical standards may be in conflict with certain legal standards. It is in these situations that you must rely on what you feel to be the best course of action. For example, clients may be concerned with what they say and you may tell them that what is said will be held in confidence. In the course of career guidance the fact that the client is selling drugs becomes apparent. Your supervisor tells you that you must inform the proper authorities because it is the agency's policy. You promised the client that you would discuss the issue of drugs in your session, but as yet, you have not. Now you are confronted with an ethical and legal conflict. As we stated earlier in this module, there is no absolute answer to dilemmas such as this, even though they probably happen frequently.

**Legal Implications**

Legal and ethical decisions often overlap. Both involve the **protection** of the individual client and the regulation of the profession. The simplest way to avoid legal difficulties is to ensure that you are meeting your ethical responsibilities. If you are engaging in appropriate ethical practice, legal issues should not pose problems. For a more complete discussion of legal implications, read Chapter 5 of *Ethics in Counseling and Psychotherapy* listed in the reference section.

**Sex-role Stereotyping**

Separating the world of work into categories of women's work and men's work is based on perceptions of what constitutes appropriate work roles for males and females. The effects of this sex-role stereotyping in the world of work are best exemplified by such job titles as saleslady and repairman. Much of the basis for judgments as to what is appropriate work are based upon traditional sex role behavior handed down from generation to generation by society, parents, and peers (Diamond 1978). Sex bias in career choice is a **subtle** and pervasive problem that demands attention.

While we are seeing more male nurses and more female engineers, the disparity in vocational preference is still quite dramatic. Most females select the same few occupations: social services, nursing, secretarial jobs; while most males select technical, business management, and science careers. The guidance staff's goal, of course, is to help both males and females develop maximally to the extent of their aspirations. Certain stereotyping attitudes held by counselors can be counterproductive to these goals and, in effect, constitute sex-bias in guidance counseling.

What can you do to ensure sex-fair counseling in your role as a member of the career guidance team? Several things are possible. Most prominent is to be aware of your **own sex biases** and how they relate to careers. This is no easy task. When biases are present that may affect your efforts in career guidance, they will reflect on your professional and ethical competence in the same manner as if you were to give the client false and erroneous information and guidance.

Secondly, a considerable amount of vocational materials, both films and printed materials, exist that contain sex-biased information. Materials should be evaluated and not used when it is determined that sex bias is present. If you suspect this to be the case, **discussion** with your colleagues and peers should help resolve the situation.

Additionally, you can **help clients to correct any beliefs or sex-biased** expectations they may hold. Many times clients will limit their options drastically because of their faulty sexist beliefs. Breaking down such limiting beliefs is an important element of the counseling process.

You may be wondering why this section on sex-fair counseling is a part of the legal implications of counseling. Well, the necessity for sex-fair counseling is more than an issue of component practice. It is a legal requirement. Title IX of the Education Amendments of 1972 (Public Law 92-318) together with the Education Amendments of 1976 prohibit sex bias in counseling and guidance. Additional legislative efforts to equalize occupational exploration and preparation are in process to facilitate sex-fair counseling (Tittle and Zytowski 1978).

In summary, legislation to prohibit discrimination and sex bias exists and it is important that you as a member of the career guidance team are aware of your own beliefs and attitudes toward sex-role stereotyping and that you help to ensure that clients have every opportunity to explore all options available to them.

# Defining Personal Values and Ethical Standards

**Competency 3** — **Define own values and ethical standards, and describe how these affect own personal and professional behaviors.**

Values are those things upon which **you place importance**. They include your goals, ideals, behaviors, qualities, and traits which you prize. The decisions you make and the behaviors you engage in are a reflection of your **value system**. These values are learned throughout your life and consequently help you to identify what is right and what should be done in a given situation. Your values are closely related to your ethical beliefs, and some people argue that your value system **is** your own personal ethical code.

Thirty years ago, the noted counselor educator Gilbert Wrenn called our attention to the interaction between our value system and ethical standards in noting that values will enter into every decision involving ethical issues and judgments. It is for this reason that you need to be aware of your personal values and the reasons you may have for adhering to them.

It is quite difficult to believe that your values can be hidden from the client and that you can be totally objective and discuss client concerns in a free-of-value discussion. It is much better for you as a counselor to be aware of your values so you may be able to deal with them when you are making ethical judgments in counseling.

### Your Values vs. the Client's Values

The things that you think are important may not be what your clients think are important. For example, suppose that you have been working to help a client find a career that offers meaningful work. All the things you ask the client to do between sessions are not done. Finally, the client admits not having an interest in a job at all. The individual feels that he can do just as well without a job. Now your values may be in conflict with those of the client and this conflict situation will certainly affect your client interactions.

Another similar situation will occur whenever situations or concerns which the client relates are not considered important to you. For example, a client tells you that she was fired by her boss on her last job because she reacted to his constant stereotyping of her as a "woman's libber." If your value system does not view this as important, you may simply dismiss it or deal with it in a superficial manner.

### Values as Motivators for Behaviors

Some authors view counseling as a **search for values** because counseling reflects the client's development of personal values and beliefs (Hansen, Stevic, and Warner 1977). Most counselors would agree on the importance work has for the maintenance of self-esteem and feelings of worth. In this way, the things we hold important may serve to motivate change.

If clients value monetary reward for their efforts in order to buy possessions, they may be motivated to undergo certain career training in order to obtain a better paying job. Also, a parent may value parenting more than a high paying job because the job may require absence from the family. The individuals who value leisure time may be happier in a job that is less challenging than a more challenging job that requires more time. A client's value system may be a powerful and motivating factor in career decision making.

### Your Values as a Model

As we have been discussing throughout this section, your values can and do influence the client. You are, in many respects, **a model for the client**, at least, a potential model. While it would not always be in the best interests of your clients for you to impose your values on them, it is common that clients will ask your opinion on whether something is good or bad or right or wrong. It is difficult to avoid such issues in counseling with a client. Certainly when you make suggestions or offer opinions about possible courses of action, your values become apparent to the client. Your impact on the client is enhanced by your role as someone who knows or is supposed to know about the situation. After all, you are offering career assistance. This fact puts you in a powerful position in terms of your potential impact and

influence on clients.

With these powerful factors present, it is quite important that you know what you value and how to respond to help clients understand their own values and their relationship to the decisions that you help to facilitate. Like it or not, you are serving as a role model.

**Your Values vs. the Agency or Society**

Often your own personal value system (your own ethical system) may come into **direct conflict** with that of your agency, a professional ethical code, or society's norms.

We all operate from our own ethical code which is usually what we believe to be legally, ethically, and morally correct. Since it is our own code that has evolved throughout our development, it may be in conflict with codes of others, whether it be society, the agency where we work, or the professional organization to which we belong.

For example, you have heard unsubstantiated reports that employees in a firm that your agency has an agreement with have been treated unfairly. You believe that clients should not be placed in that firm. Yet when you bring this to the attention of your supervisors, they state that those issues are not relevant to your job responsibilities. Now your own ethical code (value system) is in conflict with the rules (value system) of your agency.

In another example, you are required to write job recommendations to employers seeking information that you do not feel important to the job, e.g., marital status, past work history, number of dependent children, your opinion about the likelihood of absenteeism. You realize that failure to complete the forms may jeopardize the applicant.

It is nice to be able to base decisions on rules or regulations. However, you may discover that either the rules do not apply to this specific situation or you do not agree with the guidelines that do exist. In the end, you are the one who must bear the responsibility for your decisions. Therefore, you need to know your values and how they interrelate to the rules and codes of others.

One last thought on values--blindly adhering to someone else's ethical or value system is **not** much better than not having any system at all. Knowing where you stand is the first step toward instituting changes in laws, regulations, institutional policies, and procedures. The next section presents an ethical decision-making model to assist you in considering where you stand and making valid judgments that you can personally justify.

## Implementing Ethical Decision Making

**Competency 4**

**Implement an ethical decision-making strategy so as to be able to confront and provide suggestions to colleagues and clients who are not exhibiting ethical behaviors in such a way that positive modifications in their behavior are likely to occur.**

Every guidance team member operates from a personal style of ethics. This is usually sufficient. It is only when you are confronted by a situation for which there is no apparent solution that dilemmas arise. It is for this reason that you need to develop your own process for ethical decision making.

A useful approach to ethical decision making based upon problem solving is presented by Van Hoose and Paradise. You may want to read Chapter 5 of *Ethics in Counseling and Psychotherapy* listed in the references for a complete discussion of models for making ethical judgments. You may find this approach useful in the ethical dilemmas with which you may be faced. Briefly, the approach requires the following steps.

1. **Identify the problem**

   The first step is to identify the problem or dilemma. What is the **source** of conflict? What factors are involved? You must remember, of course, that to know that an ethical problem or potential ethical problem exists, you should have a working knowledge of appropriate ethical behavior and your role and responsibilities as a career guidance

team member. For example, if you fail to explain to a client the limits of confidentiality, and information must be divulged because of institutional or legal requirements, then a potential ethical dilemma will develop. If you do not agree with certain guidelines of the agency or institution and you have a convincing rationale why things should be changed, you are in a much better position to bring about change. The same rules for change that exist for the client exist for you. That is, "realizing the problem exists is the first step toward changing it."

2. **Examine rules or guiding principles to help resolve the dilemma**

   Expectations, rules, and standards of behavior exist for the institution, for society, and for the profession. Examining these elements will be useful; however, as you probably have determined from reading the AACD ethical code, specific direction as to what to do is **not always** provided. In certain situations, no guidelines will apply directly to your dilemma. When this is the case, consult with colleagues and your supervisors to get their opinions. Since the legal implications of counseling are not clearly defined, whenever a dilemma has potential legal consequences, competent legal advise is always important.

3. **Generate possible and probable courses of action**

   In listing all **possible** courses of action, consider **your** rationale for the action. In considering each alternative, your own personal value system will become quite evident.

4. **Consider potential consequences for each course of action**

   What are the **implications** of your alternatives? What is likely to happen? Here it is quite important to examine where your responsibilities lie. Remember you have responsibilities to the client, to the place where you work, to the profession, to society in general--and most importantly--to **yourself**. Once again, your knowledge of your own value system will be important.

   It is also helpful to be as **realistic** as possible. Sometimes our own personal situation affects our choice of behaviors. For example, you may disagree with your supervisor if he/she tells you that you must turn over your case notes to an investigator looking into welfare fraud. While you personally disagree, failure to comply will result in the loss of your job (you have a family to support) and possible legal action. The elements of reality have an impact on determining the consequences of your alternatives and you need to consider them. While this hypothetical situation is not likely to occur very often, it does represent the types of dilemmas which can occur.

5. **Select of the best course of action**

   Your **decision**, regardless of its nature, is **yours** and yours alone. If you are correct that is great. If you are wrong, you are the one who is responsible. This is why you need to be able to justify your actions.

There is no absolute and correct judgment of right or wrong. It will almost always depend on the circumstances of the ethical dilemma. This model can help you to see how your own value system is related to ethical standards.

You are probably acting in an ethically responsible way if--

- you have been personally and professionally honest,
- you have acted in the best interests of your client,
- you have acted without malice or personal gain, and
- you can justify your actions based on your own best judgment.

Consistently maintaining these standards in your actual day-to-day activity is a small task.

This model for decision making **assumes** that you will have the time to follow a systematic procedure on arriving at a solution. You may not be afforded all the time you need to decide. As a matter of fact, you may face dilemmas where there is no time to deliberate. That is why you need to be aware of the ethical code and, more importantly, your own personal ethical code.

# Dealing with Conflicts in Ethical Standards

**Competency 8** — Describe how to deal with individuals and institutions that are participating in unethical practices.

How do you **change policies** and regulations that conflict with ethical standards? How do you deal with individuals who are engaging in practices that you believe to be unethical? These two questions are quite important if counselors are to be able to successfully patrol their own profession. Allowing unethical practices to continue is unethical. Yet, there is no simple answer to this question.

The ethical code, in Section A, Statements 2 and 3, provides some general ideas. Let us, briefly, look at them. They read in part:

> . . . The acceptance of employment in an institution implies that the member is in **agreement** with the general policies and principles of the institution.
>
> . . . If despite concerted efforts, the member cannot reach agreement with the employer as to the acceptable standards of conduct that allow for changes in institutional policy conducive to the positive growth and development of clients, then **terminating** the affiliation should be seriously considered.
>
> Ethical behavior among professional associates, both members and nonmembers, must be **expected** at all times. When information is possessed which raises doubt as to the ethical behavior of professional colleagues, whether Association members or not, the member must take action to attempt to rectify such a condition.

While these guidelines do not offer a lot of specific advice there are a few key points that should be emphasized. Note in the first statement that the ethical conduct of the code applies to all counselors whether they are members of AACD or not. Also, that you **are** ethically bound to take some action to attempt to rectify the situation. You are only bound to **attempt** to rectify the situation. So, in essence, your responsibility is to try to do something, not to satisfactorily resolve the situation.

The code also suggests certain ways to take appropriate action.

1. Confer with the individual(s), group, or agency in question to attempt to resolve the situation in an **informal** manner. This should be done **first**. Action should utilize the institution's channels first and then utilize procedures established by the state, division, or association;
2. Gather further information regarding the allegation;
3. Confer with local or national ethics committees and so forth.

States vary considerably on formal procedures to deal with ethical grievances. For the most part, there was no formal mechanism, as part of the Association, that guidance personnel could utilize until recently. In 1979, the AACD adopted a formal **ethical grievance procedure** for processing ethical complaints. The document that describes the procedure in detail is cited in the reference section and is available from AACD. The procedure applies only to members of the Association and adverse findings of review panels could result in permanent expulsion from the Association. This action by AACD is a great and necessary step toward the self-regulation of the ethical conduct of guidance personnel. As states begin to legislate laws for licensing counselors, formal ethical boards to arbitrate complaints relating to ethical behavior will continue to develop.

From your perspective, the best approach to use when dealing with individuals suspected of unethical conduct is to discuss it with **that person** and try to resolve it at the initial level. If this fails, you can take it to your **supervisor** and seek assistance. Certainly your counseling skills in confrontation and conflict resolution will be needed. The same counseling approaches that you would use with clients should be just as effective in resolving suspected unethical practices. Generally speaking, your ethical responsibility would be fulfilled at this point.

But what if it is not an individual, but an agency or **institutional problem** that requires your action. You may end up having to attempt change at your own agency. Or perhaps focus on certain local laws or administrative regulations that require

change. As you may have noticed the first ethical statement cited above provides little in the way of specific directing. Certainly, your last resort is to consider termination of your employment, since this may do little to bring about the desired changes you feel important.

The best approach is to follow the **same steps** that were presented for dealing with individuals. That is, gather your information and evidence to support your contentions and deal with the problem internally.

You should also know your legal recourse in these matters, since the problem may have legal implications. If there are legal implications you should seek competent legal advice as to how to go about suggesting changes. You also should seek help and counsel from your colleagues wherever possible.

Lastly, be aware of the issues of libel and slander that were discussed earlier. Making charges of unethical or inappropriate conduct could put you in a vulnerable position, especially if you are wrong. Be careful that what you say or write is correct. Make sure you have all the necessary facts.

This effort is not easy and certainly little direction as to appropriate courses of action is available. However, keep in mind the following suggestions:

1. First, make sure you have all the information and that it is correct.
2. Work within the framework of the institution whenever possible.
3. Seek advice from your colleagues and your supervisors whenever possible.
4. Confront the individuals involved or the individuals in charge.
5. Be aware of the avenues and courses of action for change within the system.
6. Seek competent legal advice whenever it may be warranted.
7. If professional or licensing boards for counselors and other guidance personnel exist in your state, discuss the situation with them.
8. If the situation is not resolved, use the ethical decision-making model that was presented to help you evaluate your courses of action and their consequences.
9. Contact the Ethics Committee of AACD for guidance concerning procedures for processing ethical complaints.
10. Lastly, good luck in your efforts. Change is never easy, as you are, by now, painfully aware!

# Learning Experience 1

## Applying a Code of Ethics and Ethical Standards

### OVERVIEW

| | |
|---|---|
| **COMPETENCY** | Apply professionally recognized codes of ethics to professional behaviors in responding to acts of clients, problems involving parents and other family members, the public, staff, and consultants, and issues regarding confidential records, referrals, and testing. |
| **READING** | Read Competency 1 on page 7 and the AACD Ethical Standards on page 41. |
| **INDIVIDUAL LEARNING OBJECTIVE** | Discriminate between appropriate and inappropriate ethical behavior on the basis of your ethical code. |
| **INDIVIDUAL ACTIVITY** | Make judgments as to whether given behaviors in hypothetical vignettes are ethical or not. |
| **INDIVIDUAL FEEDBACK** | Check your responses against provided criteria. |
| **GROUP LEARNING OBJECTIVE** | Discuss the rationale for your responses indicating how given hypothetical behaviors could be in conflict with established codes of ethics. |
| **GROUP ACTIVITY** | Discuss your responses to the hypothetical vignettes with other members of your group. |

**INDIVIDUAL ACTIVITY**

**Make judgments as to whether given behaviors in hypothetical vignettes are ethical or not.**

Review the reading for Competency 1 on page 7. Then use the AACD Ethical Standards on page 41 to determine if the behavior presented in each of the following vignettes is ethical or not and note your rationale for each decision. First determine which section of the AACD Ethical Standards applies. Then read each statement in that section for guidance in your judgment.

## Hypothetical Ethical Vignettes

1. One of the counselors at your agency, who happens to be your friend and colleague, tells his client that the techniques he uses are extremely effective in helping clients find a suitable career and in dealing with certain personal problems they may be experiencing. This counselor has not been trained in personal problem counseling, even though the problem-solving skills which he uses in career guidance may be helpful for personal problems.

   Is this ethical behavior? Why?

2. A career counselor suggests to clients whom he cannot help very much that they can receive better help for a small fee from an expert career counseling agency with which he is affiliated. This counselor has been making referrals to this agency for a long time even though the clients can obtain essentially the same service elsewhere for free.

   Is this ethical behavior? Why?

3. In meeting with a client for the first time a career counselor discovers that the client had been seeing a psychiatrist for several years, but stopped recently because he could not afford to pay for it. Because the counselor is rushed for time and this fact is not related to career issues, the counselor dismisses the issue. Later it is learned that this particular client is suicidal and has just attempted suicide.

   Is this ethical behavior? Why?

4. In discussing a client s financial and work situation, a counselor leaves out certain personal and sexual habits that inadvertently were brought up by the client. The counselor chooses not to make any notes relating to this information in her records. The counselor reasons that this information is sensitive and probably not relevant to career issues with this client.

   Is this ethical behavior? Why?

5. A counselor is having difficulties in helping a particular client. The counselor takes the client's case records to the consultant who supervises the services of the agency. The identity of the client as well as other sensitive information are made available to the consultant by the counselor.

   Is this ethical behavior? Why?

6. A counselor has been providing prospective employers with client test scores and other information relating to client intelligence level. The counselor has done this in order to refer the best individuals for the job and to satisfy the prospective employer who has been quite helpful in work placements for several other clients.

   Is this ethical behavior? Why?

7. It comes to the attention of a counselor that a client has been engaging in illegal drug activities including selling drugs to support herself. When the counselor attempts to discuss the seriousness of this matter, the client states that she was told what is said between them is confidential and then abruptly stops coming. The counselor immediately informs his supervisor of all the details of the situation including the client's identity.

   Is this ethical behavior? Why?

8. A counselor, in attempting to explain results of a particular vocational interest test, provides clients with interpretations and information which could be inaccurate. The counselor states that the clients want to know about the tests they have taken since it may be helpful and there is no staff person assigned to specifically provide feedback to clients about their test scores since the information is only used to make staff decisions regarding the clients.

   Is this ethical behavior? Why?

## INDIVIDUAL FEEDBACK

**Check your responses against provided criteria.**

Critique your responses in relation to the judgments listed below. If you are incorrect, go back and reread the specific sections indicated.

1. NO - See Sections A. 1, A. 5, A. 9, G. 4, G. 5 of the Ethical Standards
2. NO - See Sections A. 6, E. 7
3. NO - See Sections A. 5, B. 1, B. 4, B. 10
4. YES - See Sections B. 1, B. 2, B. 5
5. YES - See Sections B. 6, B. 9
6. NO - See Sections B. 5, B. 15
7. YES - See Sections A. 2, B. 4
8. NO - See Sections A. 2, A. 5, C. 3, C. 4

## GROUP ACTIVITY

**Discuss your responses to the hypothetical vignettes with other members in your group.**

**Note:** The following outline is to be used by the workshop facilitator.

| Facilitator's Outline | Notes |
|---|---|
| A. Starting Point | |
| 1. Indicate that participants will be involved in a small group discussion concerning their responses to the eight vignettes. If the group is large, divide it into smaller groups of approximately eight to ten individuals to facilitate discussion. | Be sure that you have read the vignettes and the ethical code, and are prepared to discuss the results from the Individual Feedback. Not all assessments of the vignettes are obvious but an attempt has been made to ensure that direct guidance can be obtained from the cited sections of the Ethical Standards document. |
| 2. Have participants complete the Individual Activity. | |

| Facilitator's Outline | Notes |
| --- | --- |
| B. Small Group<br><br>1. Have each group discuss the responses. Emphasize the reasons why people judged certain behaviors ethical or unethical.<br><br>2. Encourage the participants to react to other's comments. The basic objective of this exercise is to demonstrate that guidelines provide direction, but that they seldom provide a basis for clearcut judgments. You will want to convey this notion in your responses and comments to the groups.<br><br>3. Summarize the group discussions. Remind the participants to keep their vignettes because they will be used again in Learning Activity 4. | If some individuals do not understand specific vignettes, enlist the support of other group members in your discussion.<br><br>Provide participants with feedback regarding their efforts to understand the ethical code. |

# NOTES

# Learning Experience 2

## Adhering to Legal Standards

### OVERVIEW

| | |
|---|---|
| **COMPETENCY** | Understand the basic legal standards as they apply to specific aspects of counseling and how these legal standards relate to ethical standards. |
| **READING** | Read Competency 2 on page 11. |
| **INDIVIDUAL LEARNING OBJECTIVE** | Identify certain counselor actions that could lead to legal liability in working with a client. |
| **INDIVIDUAL ACTIVITY** | Identify actions as presented in a hypothetical case study that relate to possible legal liability. |
| **INDIVIDUAL FEEDBACK** | Check your responses against suggested answers. |
| **GROUP LEARNING OBJECTIVE** | Provide a rationale for your responses to the Individual Activity and suggest ways to minimize the legal liability of counselor actions. |
| **GROUP ACTIVITY** | Discuss your reactions to the Individual Activity. |

**INDIVIDUAL ACTIVITY**

**Identify actions as presented in a hypothetical case study that relate to possible legal liability.**

In this activity you are to identify which violations of legal standards occurred. Review the reading for Competency 2 on page 11, read the following case study, and then indicate which violations of legal standards occurred.

## Case Study

Counselor X's trouble began when the client asked him to refer her to a person who could help solve her headache problems. The counselor realized that much of the client's high absenteeism was related to recurring headaches. The counselor referred the client to a doctor for acupuncture treatment that had helped a friend of his. He remembered that the client had expressed a desire to stop taking the medicine that her family physician had prescribed so he reasoned that a nondrug treatment such as acupuncture would help. He also phoned the client's employer at the client's request to explain why time off from work was needed. In talking to the employer, Counselor X related his impression that the client was an obvious hypochondriac and that time off was needed so that the client would not have to rely on drugs. He cautioned the employer not to discuss the information he had provided and stated that, since he had privileged communication, whatever the employer said to the counselor would be held in strict confidence. The counselor also stated to the employer that he had been successful in the past helping clients with these types of problems and if the employer had any other employees with similar problems, he would be happy to help them for a small fee and consequently reduce the expense of employee absenteeism.

Which of the following violations of legal standards occurred?

a. negligence, yes ____, no ____

b. malpractice, yes ____, no ____

c. libel, yes ____, no ____

d. slander, yes ____, no ____

e. violation of privileged communication, yes ____, no ____

f. invasion of privacy, yes ____, no ____

## INDIVIDUAL FEEDBACK

Check your responses against suggested answers.

The following legal violations appear to be present:

a. Malpractice

b. Slander

c. Invasion of privacy

d. Violation of privileged communication

## GROUP ACTIVITY

Discuss your reactions to the Individual Activity.

**Note:** The following is to be used by the workshop facilitator.

| Facilitator's Outline | Notes |
|---|---|
| A. Starting Point | |
| 1. Have participants complete the Individual Activity if they have not already done so. | Allow approximately 15 minutes for the Individual Activity. |
| 2. Indicate that participants will be involved in a small group discussion concerning their responses to a legal liability case. If the group is large, divide it into smaller groups. | |
| B. Group Discussion | |
| 1. Ask each group to appoint a recorder to capture the salient points of the discussion. | |
| 2. Solicit suggestions from each member of the groups for what might have been more appropriate behaviors in the case study situation. | |

| Facilitator's Outline | Notes |
| --- | --- |
| 3. Ask groups to be prepared to share highlights of the discussion with the large groups. | Emphasize the conditions of possible legal liabiilty that exist and reinforce the participants for their responses that suggest valid ways in which the legal liability could have been avoided. |
| 4. Reconvene small groups for the large group discussion. | Make specific mention of how the legal considerations are directly relevant to the ethical considerations discussed in Learning Experience 1. |

# Learning Experience 3

## Defining Personal Values and Ethical Standards

### OVERVIEW

| | |
|---|---|
| **COMPETENCY** | Define own values and ethical standards and describe how these can affect own personal and professional behaviors. |
| **READING** | Read Competency 3 on page 14. |
| **INDIVIDUAL LEARNING OBJECTIVE** | Identify those values which you believe important to your own personal ethical or value system. |
| **INDIVIDUAL ACTIVITY** | Examine your value system as it relates to various occupations. |
| **INDIVIDUAL FEEDBACK** | Conduct a self-assessment. |
| **GROUP LEARNING OBJECTIVE** | Identify certain values you hold and develop a perspective on how these values affect your work as a career guidance team member. |
| **GROUP ACTIVITY** | Discuss your responses to the rating form in the Individual Activity with the group. |

**INDIVIDUAL ACTIVITY**

Examine your value system as it relates to various occupations.

After reviewing the reading for Competency 3 on page 14, complete the following chart.

## Values and Ethics Exercise

1. The following is a list of several various occupations. Rank order the occupations in terms of prestige. Assign the number 1 to the most prestigious, 2 to the next prestigious, and so on.

| | |
|---|---|
| _____ lawyer | _____ farmer |
| _____ physician | _____ auto mechanic |
| _____ ditch digger | _____ carpenter |
| _____ army captain | _____ mail carrier |
| _____ coal miner | _____ banker |
| _____ truck driver | _____ insurance agent |
| _____ school teacher | _____ waitress |
| _____ barber | _____ grocer |

2. List five traits or qualities that you feel important for your friends to possess, e.g., a good sense of humor might be one.

a. _____

b. _____

c. _____

d. _____

e. _____

## INDIVIDUAL FEEDBACK

**Conduct a self-assessment.**

Review your rankings of occupations based on prestige. Compare the "top eight" with the "bottom eight" and note similarities and differences, particularly in salary, educational and physical requirements. This procedure should suggest certain values that you possess.

Next, review the five qualities that you indicated as "desirable" for friends to possess. Compare it to confirm or negate the conclusions you have drawn regarding your values as reflected in the occupation rankings.

## GROUP ACTIVITY

**Discuss your responses to the rating form in the Individual Activity with the group.**

**Note:** The following outline is to be used by the workshop facilitator.

| Facilitator's Outline | Notes |
|---|---|
| A. Starting Point | |
| 1. Have participants complete the Individual Activity if they have not already done so. | Allow approximately 15 minutes for participants to complete. |
| 2. Divide the total group into smaller groups for discussion purposes. | |
| B. Group Discussion | |
| 1. Have the group select a chairperson who will provide a wrap summary to the total group at the end of the discussion. | |
| 2. Highlight the points for small group discussion. They are as follows: | |
| • Group members should compare their responses and attempt to relate the results to their own value systems. | |

| Facilitator's Outline | Notes |
| --- | --- |
| • Group members should discuss how their values can affect the decisions they make regarding clients.<br><br>C. Feedback on Discussion<br><br>1. Have each chairperson present one or two points gleaned from the discussion and the implications for guidance personnel.<br><br>2. Summarize the important points brought out in discussion. Remember to reinforce the point that the exercise is limited and considerable reflection is necessary in order to achieve awareness of your own value system. | |

# Learning Experience 4

## Implementing Ethical Decision Making

### OVERVIEW

| | |
|---|---|
| **COMPETENCIES** | Implement an ethical decision-making strategy so as to be able to confront and provide suggestions to colleagues and clients who are not exhibiting ethical behaviors in such a way that positive modifications in their behavior are likely to occur.<br><br>Describe how to deal with individuals and institutions that are participating in unethical practices. |
| **READING** | Read Competency 4 on page 16 and Competency 5 on page 17. |
| **INDIVIDUAL LEARNING OBJECTIVE** | Apply a systematic approach to ethical decision making in order to resolve potential ethical dilemmas. |
| **INDIVIDUAL ACTIVITY** | Apply decision making skills to hypothetical ethical dilemmas. |
| **INDIVIDUAL FEEDBACK** | Compare your answer to some suggested guidelines. |
| **GROUP LEARNING OBJECTIVE** | Use your skills to take the necessary steps to resolve a potential ethical dilemma. |
| **GROUP ACTIVITY** | Attempt to resolve a potential ethical dilemma by confronting (in a role play situation) an individual suspected of unethical conduct. |

**INDIVIDUAL ACTIVITY**

**Apply the decision-making skills to hypothetical ethical dilemmas.**

Apply the ethical decision-making strategy to the following hypothetical situations. You should review the reading for Competency 4 on page 15 before you begin. Remember to follow the steps of ethical decision making:

- Identify the problem or dilemma
- Identify existing rules or principles that are relevant
- Generate possible and probable courses of action
- Consider potential consequences of each course of action
- Select the best course of action and be able to justify it

## Hypothetical Situations

1. One of the counselors at your agency, who happens to be your friend and colleague, tells his clients that the techniques he uses are extremely effective in helping clients find a suitable career and in dealing with certain personal problems they may be experiencing. This counselor has not been trained in personal problem counseling, even though the problem-solving skills which he uses in career guidance may be helpful for personal problems.

   Ethical decision:

2. A career counselor suggests to clients whom he cannot help very much that they can receive better help for a small fee from an expert career counseling agency with which he is affiliated. This counselor has been making referrals to this agency for a long time even though the clients can obtain essentially the same service elsewhere for free.

   Ethical decision:

3. In meeting with a client for the first time a career counselor discovers that the client had been seeing a psychiatrist for several years, but stopped recently because he could not afford to pay for it. Because the counselor is rushed for time and this fact is not related to career issues, the counselor dismisses the issue. Later it is learned that this particular client is suicidal and has just attempted suicide.

   Ethical decision:

## INDIVIDUAL FEEDBACK

**Compare your answers against suggested guidelines.**

There are no absolute right or wrong responses to this exercise. However, in the area of ethics some responses will always be better than others. Look for the appropriate use of the five steps in ethical decision making. In each of the three hypothetical situations, some guidance should be provided to you by the ethical standards presented on page 41.

## GROUP ACTIVITY

**Attempt to resolve a potential ethical dilemma by confronting (in a role play situation) an individual suspected of unethical conduct.**

**Note:** The following outline is to be used by the workshop facilitator.

| Facilitator's Outline | Notes |
|---|---|
| A. Starting Point | |
| 1. Indicate to participants that they will be role playing in groups of three using the hypothetical ethical vignettes contained on page 39. | Be sure each participant has a copy of the vignettes. |
| 2. Instruct the participants that they will role play each of three roles in groups of three: the confronter, the suspected individual, and an observer. | The purpose of this exercise is to allow each participant an opportunity to demonstrate skills in confronting an individual suspected of unethical conduct. Be sure each vignette is used at least once. |
| B. Role Play Situation | |
| 1. Divide the participants into groups of three and ask them to select one of the vignettes from the handout to role play. They will take turns in rotation as confronter, suspected individual, and observer. It is the observer's role to make note of the role play and provide feedback to the participants in terms of what was done and how effectively it was accomplished. | |

| Facilitator's Outline | Notes |
|---|---|
| 2. Remind the particpants that in attempting to correct unethical practice, they should be following the ethical standards as described in this module. They should refer to the reading for Competencies 4 and 5 before starting this exercise. | Make observations for use in the group discussion. |
| 3. Give the participants approximately 10 minutes to play each role and approximately 10 minutes for observers to provide feedback at the conclusion of the three role plays. | |
| 4. Ask individuals for their reactions to the exercise. | Allow approximately 40 minutes for the activity and then reconvene the group. |
| 5. Summarize important points brought out in the discussion. Be sure to emphasize the appropriate ethical standards for confronting suspected unethical conduct. You could also look for specific examples where using the decision-making strategies discussed earlier would be important. | |
| 6. Note that these exercises require that certain counseling skills be utilized in the confrontations. Acknowledge participants' effective use of techniques and their actions in dealing with unethical conduct where appropriate. | |

# NOTES

# Handout

## Hypothetical Ethical Vignettes

1. One of the counselors at your agency, who happens to be your friend and colleague, tells his clients that the techniques he uses are extremely effective in helping clients find a suitable career and in dealing with certain personal problems they may be experiencing. This counselor has not been trained in personal problem counseling, even though the problem-solving skills which he uses in career guidance may be helpful for personal problems.

2. A career counselor suggests to clients whom he cannot help very much that they can receive better help for a small fee from an expert career counseling agency with which he is affiliated. This counselor has been making referrals to this agency for a long time even though the clients can obtain essentially the same service elsewhere for free.

3. In meeting with a client for the first time a career counselor discovers that the client had been seeing a psychiatrist for several years, but stopped recently because he could not afford to pay for it. Because the counselor is rushed for time and this fact is not related to career issues, the counselor dismisses the issue. Later it is learned that this particular client is suicidal and has just attempted suicide.

# NOTES

# APPENDIX

# Ethical Standards

American Association for Counseling and Development

**(Approved by Executive Committee upon referral of the Board of Directors, January 17, 1981).**

## PREAMBLE

*The Association is an educational, scientific, and professional organization whose members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual and thus to the service of society.*

*The Association recognizes that the role definitions and work settings of its members include a wide variety of academic disciplines, levels of academic preparation and agency services. This diversity reflects the breadth of the Association's interest and influence. It also poses challenging complexities in efforts to set standards for the performance of members, desired requisite preparation or practice, and supporting social, legal, and ethical controls.*

*The specification of ethical standards enables the Association to clarify to present and future members and to those served by members, the nature of ethical responsibilities held in common by its members.*

*The existence of such standards serves to stimulate greater concern by members for their own professional functioning and for the conduct of fellow professionals such as counselors, guidance and student personnel workers, and others in the helping professions. As the ethical code of the Association, this document establishes principles that define the ethical behavior of Association members.*

## Section A: General

1. The member influences the development of the profession by continuous efforts to improve professional practices, teaching, services, and research. Professional growth is continuous throughout the member's career and is exemplified by the development of a philosophy that explains why and how a member functions in the helping relationship. Members must gather data on their effectiveness and be guided by the findings.

2. The member has a responsibility both to the individual who is served and to the institution within which the service is performed to maintain high standards of professional conduct. The member strives to maintain the highest levels of professional services offered to the individuals to be served. The member also strives to assist the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in an institution implies that the member is in agreement with the general policies and principles of the institution. Therefore the professional activities of the member are also in accord with the objectives of the institution. If, despite concerted efforts, the member cannot reach agreement with the employer as to acceptable standards of conduct that allow for changes in institutional policy conducive to the positive growth and development of clients, then terminating the affiliation should be seriously considered.

3. Ethical behavior among professional associates, both members and nonmembers, must be expected at all times. When information is possessed that raises doubt as to the ethical behavior of professional colleagues, whether Association members or not, the member must take action to attempt to rectify such a condition. Such action shall use the institution's channels first and then use procedures established by the state Branch, Division, or Association.

4. The member neither claims nor implies professional qualifications exceeding those possessed and is responsible for correcting any misrepresentations of these qualifications by others.

5. In establishing fees for professional counseling services, members must consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, assistance must be provided in finding comparable services of acceptable cost.

6. When members provide information to the public or to subordinates, peers or supervisors, they have a responsibility to ensure that the content is general, unidentified client information that is accurate, unbiased, and consists of objective, factual data.

7. With regard to the delivery of professional services, members should accept only those positions for which they are professionally qualified.

8. In the counseling relationship the counselor is aware of the intimacy of the relationship and maintains respect for the client and avoids engaging in activities that seek to meet the counselor's personal needs at the expense of that client. Through awareness of the negative impact of both racial and sexual stereotyping and discrimination, the counselor guards the individual rights and personal dignity of the client in the counseling relationship.

## Section B: Counseling Relationship

This section refers to practices and procedures of individual and/or group counseling relationships.

The member must recognize the need for client freedom of choice. Under those circumstances where this is not possible, the member must apprise clients of restrictions that may limit their freedom of choice.

1. The member's *primary* obligation is to respect the integrity and promote the welfare of the client(s), whether the client(s) is (are) assisted individually or in a group relationship. In a group setting, the member is also responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

2. The counseling relationship and information resulting therefrom be kept confidential, consistent with the obligations of the member as a professional person. In a group counseling setting, the counselor must set a norm of confidentiality regarding all group participants' disclosures.

3. If an individual is already in a counseling relationship with another professional person, the member does not enter into a counseling relationship without first contacting and receiving the approval of that other professional. If the member discovers that the client is in another counseling relationship after the counseling relationship begins, the member must gain the consent of the other professional or terminate the relationship, unless the client elects to terminate the other relationship.

4. When the client's condition indicates that there is clear and imminent danger to the client or others, the member must take reasonable personal action or inform responsible authorities. Consulation with other professionals must be used where possible. The assumption of responsibility for the client(s) behavior must be taken only after careful deliberation. The client must be involved in the resumption of responsibility as quickly as possible.

5 Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings, and other documents, are to be considered professional information for use in counseling and they should not be considered a part of the records of the institution or agency in which the counselor is employed unless specified by state statute or regulation. Revelation to others of counseling material must occur only upon the expressed consent of the client.

6. Use of data derived from a counseling relationship for purposes of counselor training or research shall be confined to content that can be disguised to ensure full protection of the identity of the subject client.

7. The member must inform the client of the purposes, goals, techniques, rules of procedure and limitations that may affect the relationship at or before the time that the counseling relationship is entered.

8. The member must screen prospective group participants, especially when the emphasis is on self-understanding and growth through self-disclosure. The member must maintain an awareness of the group participants' compatibility throughout the life of the group.

9. The member may choose to consult with any other professionally competent



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person about a client. In choosing a consultant, the member must avoid placing the consultant in a conflict of interest situation that would preclude the consultant's being a proper party to the member's efforts to help the client.

10. If the member determines an inability to be of professional assistance to the client, the member must either avoid initiating the counseling relationship or immediately terminate that relationship. In either event, the member must suggest appropriate alternatives. (The member must be knowledgeable about referral resources so that a satisfactory referral can be initiated). In the event the client declines the suggested referral, the member is not obligated to continue the relationship.

11. When the member has other relationships, particularly of an administrative, supervisory and/or evaluative nature with an individual seeking counseling services, the member must not serve as the counselor but should refer the individual to another professional. Only in instances where such an alternative is unavailable and where the individual's situation warrants counseling intervention should the member enter into and/or maintain a counseling relationship. Dual relationships with clients that might impair the member's objectivity and professional judgment (e.g., as with close friends or relatives, sexual intimacies with any client) must be avoided and/or the counseling relationship terminated through referral to another competent professional.

12. All experimental methods of treatment must be clearly indicated to prospective recipients and safety precautions are to be adhered to by the member.

13. When the member is engaged in short-term group treatment/training programs (e.g., marathons and other encounter-type or growth groups), the member ensures that there is professional assistance available during and following the group experience.

14. Should the member be engaged in a work setting that calls for any variation from the above statements, the member is obligated to consult with other professionals whenever possible to consider justifiable alternatives.

## Section C:
## Measurement and Evaluation

The primary purpose of educational and psychological testing is to provide descriptive measures that are objective and interpretable in either comparative or absolute terms. The member must recognize the need to interpret the statements that follow as applying to the whole range of appraisal techniques including test and nontest data. Test results constitute only one of a variety of pertinent sources of information for personnel, guidance, and counseling decisions.

1. The member must provide specific orientation or information to the examinee(s) prior to and following the test administration so that the results of testing may be placed in proper perspective with other relevant factors. In so doing, the member must recognize the effects of socioeconomic, ethnic and cultural factors on test scores. It is the member's professional responsibility to use additional unvalidated information carefully in modifying interpretation of the test results.

2. In selecting tests for use in a given situation or with a particular client, the member must consider carefully the specific validity, reliability, and appropriateness of the test(s). *General* validity, reliability and the like may be questioned legally as well as ethically when tests are used for vocational and educational selection, placement, or counseling.

3. When making any statements to the public about tests and testing, the member must give accurate information and avoid false claims or misconceptions. Special efforts are often required to avoid unwarranted connotations of such terms as *IQ* and *grade equivalent scores*.

4. Different tests demand different levels of competence for administration, scoring, and interpretation. Members must recognize the limits of their competence and perform only those functions for which they are prepared.

5. Tests must be administered under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions must be noted and the results designated as invalid or of questionable validity. Unsupervised or inadequately supervised test-taking, such as the use of tests through the mails, is considered unethical. On the other hand, the use of instruments that are so designed or standardized to be self-administered and self-scored, such as interest inventories, is to be encouraged.

6. The meaningfulness of test results used in personnel, guidance, and counseling functions generally depends on the examinee's unfamiliarity with the specific items on the test. Any prior coaching or dissemination of the test materials can invalidate test results. Therefore, test security is one of the professional obligations of the member. Conditions that produce most favorable test results must be made known to the examinee.

7. The purpose of testing and the explicit use of the results must be made known to the examinee prior to testing. The counselor must ensure that instrument limitations are not exceeded and that periodic review and/or retesting are made to prevent client stereotyping.

8. The examinee's welfare and explicit prior understanding must be the criteria for determining the recipients of the test results. The member must see that specific interpretation accompanies any release of individual or group test data. The interpretation of test data must be related to the examinee's particular concerns.

9. The member must be cautious when interpreting the results of research instruments possessing insufficient technical data. The specific purposes for the use of such instruments must be stated explicitly to examinees.

10. The member must proceed with caution when attempting to evaluate and interpret the performance of minority group members or other persons who are not represented in the norm group on which the instrument was standardized.

11. The member must guard against the appropriation, reproduction, or modifications of published tests or parts thereof without acknowledgment and permission from the previous publisher.

12. Regarding the preparation, publication and distribution of tests, reference should be made to:

a. *Standards for Educational and Psychological Tests and Manuals*, revised edition, 1974, published by the American Psychological Association on behalf of itself, the American Educational Research Association and the National Council on Measurement in Education.

b. The responsible use of tests: A position paper of AMEG, APGA, and NCME. *Measurement and Evaluation in Guidance*, 1972, 5, 385-388.

c. "Responsibilities of Users of Standardized Tests," APGA, *Guidepost*, October 5, 1978, pp. 5-8.

## Section D:
## Research and Publication

1. Guidelines on research with human subjects shall be adhered to, such as:

a. *Ethical Principles in the Conduct of Research with Human Participants*, Washington, D.C.: American Psychological Association, Inc., 1973.

b. Code of Federal Regulations, Title 45, Subtitle A, Part 46, as currently issued.

2. In planning any research activity dealing with human subjects, the member must be aware of and responsive to all pertinent ethical principles and ensure that the research problem, design, and execution are in full compliance with them.

3. Responsibility for ethical research practice lies with the principal researcher, while others involved in the research activities share ethical obligation and full responsibility for their own actions.

4. In research with human subjects, researchers are responsible for the subjects' welfare throughout the experiment and they must take all reasonable precautions to avoid causing injurious psychological, physical, or social effects on their subjects.

5. All research subjects must be informed of the purpose of the study except when withholding information or providing misinformation to them is essential to the investigation. In such research the member must be responsible for corrective action as soon as possible following completion of the research.

6. Participation in research must be voluntary. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation.

7. When reporting research results, explicit mention must be made of all variables and conditions known to the investigator that might affect the outcome of the investigation or the interpretation of the data.

8. The member must be responsible for conducting and reporting investigations in a manner that minimizes the possibility that results will be misleading.

9. The member has an obligation to make available sufficient original research data to qualified others who may wish to replicate the study.

10. When supplying data, aiding in the research of another person, reporting research results, or in making original data available, due care must be taken to disguise the identity of the subjects in the absence of specific authorization from such subjects to do otherwise.

11. When conducting and reporting research, the member must be familiar with, and give recognition to, previous work on the topic, as well as to observe all copyright laws and follow the principles of giving full credit to all to whom credit is due.

12. The member must give due credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to the research and/or publication, in accordance with such contributions.

13. The member must communicate to other members the results of any research judged to be of professional or scientific value. Results reflecting unfavorably on institutions, programs, services, or vested interests must not be withheld for such reasons.

14. If members agree to cooperate with another individual in research and/or publication, they incur an obligation to cooperate as promised in terms of punctuality of performance and with full regard to the completeness and accuracy of the information required.

15. Ethical practice requires that authors not submit the same manuscript or one essentially similar in content, for simultaneous publication consideration

by two or more journals. In addition, manuscripts published in whole or in substantial part, in another journal or published work should not be submitted for publication without acknowledgment and permission from the previous publication.

## Section E: Consulting

*Consultation* refers to a voluntary relationship between a professional helper and help-needing individual, group or social unit in which the consultant is providing help to the client(s) in defining and solving a work-related problem or potential problem with a client or client system. (This definition is adapted from Kurpius, DeWayne. Consultation theory and process: An integrated model. *Personnel and Guidance Journal*, 1978, 56.

1. The member acting as consultant must have a high degree of self-awareness of his-her own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and-or organizational change and that the focus of the relationship be on the issues to be resolved and not on the person(s) presenting the problem.

2. There must be understanding and agreement between member and client for the problem definition, change goals, and predicated consequences of interventions selected.

3. The member must be reasonably certain that she/he or the organization represented has the necessary competencies and resources for giving the kind of help that is needed now or may develop later and that appropriate referral resources are available to the consultant.

4. The consulting relationship must be one in which client adaptability and growth toward self-direction are encouraged and cultivated. The member must maintain this role consistently and not become a decision maker for the client or create a future dependency on the consultant.

5. When announcing consultant availability for services, the member conscientiously adheres to the Association's *Ethical Standards*.

6. The member must refuse a private fee or other remuneration for consultation with persons who are entitled to these services through the member's employing institution or agency. The policies of a particular agency may make explicit provisions for private practice with agency clients by members of its staff. In such instances, the clients must be apprised of other options open to them should they seek private counseling services.

## Section F: Private Practice

1. The member should assist the profession by facilitating the availability of counseling services in private as well as public settings.

2. In advertising services as a private practitioner, the member must advertise the services in such a manner so as to accurately inform the public as to services, expertise, profession, and techniques of counseling in a professional manner. A member who assumes an executive leadership role in the organization shall not permit his/her name to be used in professional notices during periods when not actively engaged in the private practice of counseling.

The member may list the following: highest relevant degree, type and level of certification or license, type and/or description of services, and other relevant information. Such information must not contain false, inaccurate, misleading, partial, out-of-context, or deceptive material or statements.

3. Members may join in partnership/corporation with other members and-or other professionals provided that each member of the partnership or corporation make clear the separate specialties by name in compliance with the regulations of the locality.

4. A member has an obligation to withdraw from a counseling relationship if it is believed that employment will result in violation of the *Ethical Standards*. If the mental or physical condition of the member renders it difficult to carry out an effective professional relationship or if the member is discharged by the client because the counseling relationship is no longer productive for the client, then the member is obligated to terminate the counseling relationship.

5. A member must adhere to the regulations for private practice of the locality where the services are offered.

6. It is unethical to use one's institutional affiliation to recruit clients for one's private practice.

## Section G: Personnel Administration

It is recognized that most members are employed in public or quasi-public institutions. The functioning of a member within an institution must contribute to the goals of the institution and vice versa if either is to accomplish their respective goals or objectives. It is therefore essential that the member and the institution function in ways to (a) make the institution's goals explicit and public; (b) make the member's contribution to institutional goals specific; and (c) foster mutual accountability for goal achievement.

To accomplish these objectives, it is recognized that the member and the employer must share responsibilities in the formulation and implementation of personnel policies.

1. Members must define and describe the parameters and levels of their professional competency.

2. Members must establish interpersonal relations and working agreements with supervisors and subordinates regarding counseling or clinical relationships, confidentiality, distinction between public and private material, maintenance, and dissemination of recorded information, work load and accountability. Working agreements in each instance must be specified and made known to those concerned.

3. Members must alert their employers to conditions that may be potentially disruptive or damaging.

4. Members must inform employers of conditions that may limit their effectiveness.

5. Members must submit regularly to professional review and evaluation.

6. Members must be responsible for inservice development of self and-or staff.

7. Members must inform their staff of goals and programs.

8. Members must provide personnel practices that guarantee and enhance the rights and welfare of each recipient of their service.

9. Members must select competent persons and assign responsibilities compatible with their skills and experiences.

## Section H: Preparation Standards

Members who are responsible for training others must be guided by the preparation standards of the Association and relevant Division(s). The member who functions in the capacity of trainer assumes unique ethical responsibilities that frequently go beyond that of the member who does not function in a training capacity. These ethical responsibilities are outlined as follows:

1. Members must orient students to program expectations, basic skills development, and employment prospects prior to admission to the program.

2. Members in charge of learning experiences must establish programs that integrate academic study and supervised practice.

3. Members must establish a program directed toward developing students' skills, knowledge, and self-understanding, stated whenever possible in competency or performance terms.

4. Members must identify the levels of competencies of their students in compliance with relevant Division standards. These competencies must accommodate the para-professional as well as the professional.

5. Members, through continual student evaluation and appraisal, must be aware of the personal limitations of the learner that might impede future performance. The instructor must not only assist the learner in securing remedial assistance but also screen from the program those individuals who are unable to provide competent services.

6. Members must provide a program that includes training in research commensurate with levels of role functioning. Para-professional and technician-level personnel must be trained as consumers of research. In addition, these personnel must learn how to evaluate their own and their program's effectiveness. Graduate training, especially at the doctoral level, would include preparation for original research by the member.

7. Members must make students aware of the ethical responsibilities and standards of the profession.

8. Preparatory programs must encourage students to value the ideals of service to individuals and to society. In this regard, direct financial remuneration or lack thereof must not influence the quality of service rendered. Monetary considerations must not be allowed to overshadow professional and humanitarian needs.

9. Members responsible for educational programs must be skilled as teachers and practitioners.

10. Members must present thoroughly varied theoretical positions so that students may make comparisons and have the opportunity to select a position.

11. Members must develop clear policies within their educational institutions regarding field placement and the roles of the student and the instructor in such placements.

12. Members must ensure that forms of learning focusing on self-understanding or growth are voluntary, or if required as part of the education program, are made known to prospective students prior to entering the program. When the education program offers a growth experience with an emphasis on self-disclosure or other relatively intimate or personal involvement, the member must have no administrative, supervisory, or evaluating authority regarding the participant.

13. Members must conduct an educational program in keeping with the current relevant guidelines of the Association and its Divisions.

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# NOTES

# EVALUATION

## PARTICIPANT SELF-ASSESSMENT QUESTIONNAIRE

1. Name (Optional) _____ 3. Date _____

2. Position Title _____ 4. Module Number _____

**Agency Setting** (Circle the appropriate number)

6. Elementary School
7. Secondary School
8. Postsecondary School
9. College/University
10. JTPA
11. Veterans
12. Church
13. Corrections
14. Youth Services
15. Business/Industry Management
16. Business/Industry Labor
17. Parent Group
18. Municipal Office
19. Service Organization
20. State Government
21. Other

| **Workshop Topics** | PREWORKSHOP NEED FOR TRAINING *Degree of Need* (circle one for each workshop topic) | POSTWORKSHOP MASTERY OF TOPICS *Degree of Mastery* (circle one for each workshop topic) |
|---|---|---|
| 1. Discriminating between appropriate and inappropriate ethical behavior on the basis of the ethical code. | 0 1 2 3 4 | 0 1 2 3 4 |
| 2. Indicating how given behaviors could be in conflict with established codes of ethics. | 0 1 2 3 4 | 0 1 2 3 4 |
| 3. Identifying certain counselor actions that could lead to legal liability in working with a client. | 0 1 2 3 4 | 0 1 2 3 4 |
| 4. Discussing the rationale and explanation for the actions you identify above. | 0 1 2 3 4 | 0 1 2 3 4 |
| 5. Identifying those values which you believe important to your own personal ethical or value system. | 0 1 2 3 4 | 0 1 2 3 4 |
| 6. Applying a systematic approach to ethical decision making in order to resolve potential ethical dilemmas. | 0 1 2 3 4 | 0 1 2 3 4 |
| 7. Using your change agent skills to take the necessary steps to resolve a potential ethical dilemma. | 0 1 2 3 4 | 0 1 2 3 4 |
| **Overall Assessment on Topic of** Developing Ethical and Legal Standards | 0 1 2 3 4 | 0 1 2 3 4 |

**Comments:**

_____

_____

_____

## Trainer's Assessment Questionnaire

Trainer: _____ Date: _____ Module Number: _____

Title of Module: _____

Training Time to Complete Workshop: _____ hrs. _____ min.

*Participant Characteristics*

Number in Group _____ Number of Males _____ Number of Females _____

*Distribution by Position*

_____ Elementary School
_____ Secondary School
_____ Postsecondary School
_____ College/University
_____ JTPA
_____ Veterans
_____ Church
_____ Corrections
_____ Youth Services
_____ Business/Industry Management
_____ Business/Industry Labor
_____ Parent Group
_____ Municipal Office
_____ Service Organization
_____ State Government
_____ Other

## PART I

**WORKSHOP CHARACTERISTICS—Instructions:** Please provide any comments on the methods and materials used, both those contained in the module and others that are not listed. Also provide any comments concerning your overall reaction to the materials, learners' participation or any other positive or negative factors that could have affected the achievement of the module's purpose.

1. *Methods:* (Compare to those suggested in Facilitator's Outline)

2. *Materials:* (Compare to those suggested in Facilitator's Outline)

3. *Reaction:* (Participant reaction to content and activities)

## PART II

**WORKSHOP IMPACT—Instructions:** Use Performance Indicators to judge degree of mastery. (Complete responses for all activities. Those that you did not teach would receive 0.)

| | Group's Degree of Mastery | | | | |
|---|---|---|---|---|---|
| | Not Taught | Little (25% or less) | Some (26%-50%) | Good (51%-75%) | Outstanding (over 75%) |
| | Note: Circle the number that best reflects your opinion of group mastery. | | | | |
| **Learning Experience 1** | | | | | |
| Group | 0 | 1 | 2 | 3 | 4 |
| Individual | 0 | 1 | 2 | 3 | 4 |
| **Learning Experience 2** | | | | | |
| Group | 0 | 1 | 2 | 3 | 4 |
| individual | 0 | 1 | 2 | 3 | 4 |
| **Learning Experience 3** | | | | | |
| Group | 0 | 1 | 2 | 3 | 4 |
| Individual | 0 | 1 | 2 | 3 | 4 |
| **Learning Experience 4** | | | | | |
| Group | 0 | 1 | 2 | 3 | 4 |
| Individual | 0 | 1 | 2 | 3 | 4 |

**Code:**

**Little:** With no concern for time or circumstances within training setting if it appears that less than 25% of the learners achieved what was intended to be achieved.

**Some:** With no concern for time or circumstances within the training setting if it appears that less than close to half of the learners achieved the learning experience.

**Good:** With no concern for time or circumstances within the training setting if it appears that 50%-75% have achieved as expected.

**Outstanding:** If more than 75% of learners mastered the content as expected.

## PART III

**SUMMARY DATA SHEET—Instructions:** In order to gain an overall idea as to mastery impact achieved across the Learning Experiences taught, complete the following tabulation. Transfer the number for the degree of mastery on each Learning Experience (i.e., group and individual) from the Workshop Impact form to the columns below. Add the subtotals to obtain your total module score.

| **GROUP** | | **INDIVIDUAL** | |
|---|---|---|---|
| Learning Experience | | Learning Experience | |
| 1 = score (1-4) | _____ | 1 = score (1-4) | _____ |
| 2 = score (1-4) | _____ | 2 = score (1-4) | _____ |
| 3 = score (1-4) | _____ | 3 = score (1-4) | _____ |
| 4 = score (1-4) | _____ | 4 = score (1-4) | _____ |
| Total (add up) | _____ | Total (add up) | _____ |

Total of the GROUP learning experience scores and INDIVIDUAL learning experience scores = _____ Actual Total Score _____ Compared to Maximum Total* _____

*Maximum total is the number of learning experiences taught times four (4).

# Performance Indicators

As you conduct the workshop component of this training module, the facilitator's outline will suggest individual or group activities that require written or oral responses. The following list of **performance indicators** will assist you in assessing the quality of the participants' work:

Module Title: *Develop Ethical and Legal Standards*

Module Number: CG C-19

| Group Learning Activity | Performance Indicators to Be Used for Learner Assessment |
|---|---|
| Group Activity Number 1:<br>Discuss how certain behaviors can be in conflict with established codes of ethics. | 1. Participants should be aware that guidelines provide direction, but should not be the basis for judgment.<br>2. Participants should be able to provide suggestions for alternative behavior in the hypothetical situations.<br>3. Participants should have knowledge of the general ethical code. |
| Group Activity Number 2:<br>Examine hypothetical case studies to examine legal liabilities. | 1. Participants should be able to suggest ways to minimize legal liabilities of counselor actions.<br>2. Participants should be able to identify the liability implications of various counselor behavior. |
| Group Activity Number 3:<br>Define personal values. | 1. Participants should demonstrate knowledge of their general value systems.<br>2. Participants should be able to give a perspective on how their values affect work with clients. |
| Group Activity Number 4:<br>Apply decision-making skills in resolving ethical dilemmas. | 1. Participants should demonstrate a general knowledge of the decision-making process as it applies to ethical dilemmas.<br>2. Participants should be able to critique and suggest alternative behaviors in role playing ethical dilemmas. |

# NOTES

# REFERENCES


American Association for Counseling and Development. *Policy and Procedure for Processing Complaints of Ethical Violations*. Alexandria, VA: AACD Press, 1979.

Burgum, T., and Anderson, S. *The Counselor and the Law*. Alexandria, VA: AACD Press, 1975.

Diamond, E.E. "Issues of Sex Bias and Sex-fairness in Career Interest Measurement: Background and Current Status." In Tittle, C.K., and Zytowski, D.C. (Eds.) *Sex-Fair Interest Measurement: Research and Implication*. Washington, DC: Department of Health, Education and Welfare, 1978.

Fitzgerald, L., and Crites, J. "Toward a Career Psychology of Women: What Do We Know? What Do We Need to Know?" *Journal of Counseling Psychology*, 1980, 27(1), 44-62.

Hansen, J., Stevic, R., and Warner, R. *Counseling: Theory and Process*. 2d Edition. Boston: Allyn and Bacon, 1977.

Smith, B.L. *The Legal Aspects of Counseling*. Dayton, OH: Challenge Press, 1979.

"The Responsible Use of Tests." A position paper of AMEG, APGA, and NOME. *Measurement and Evaluation*, 1972. pp. 385-388.


# ADDITIONAL RESOURCES

*Ethical Standards*. American Association for Counseling and Development, Alexandria, VA, 1981.

This short document, published by the American Association for Counseling and Development, the professional organization which represents over 41,000 counselors, stipulates principles which define the ethical behavior of members of the Association and counselors in general.

*Ethics in Counseling and Psychotherapy: Perspectives on Issues and Decision-Making*. William H. Van Hoose, and Louis V. Paradise, Carroll Press, 1979.

This textbook is designed to provide a basic analysis of the ethical implications of counseling. Numerous examples and exercises in understanding and applying ethical codes of the American Association for Counseling and Development and the American Psychological Association. Specific ethical dilemmas are discussed and emphasis is placed on developing ethical decision-making skills. Also, several skill-building exercises are included along with the Ethical Judgment Scale, an assessment instrument to evaluate ethical decision-making skills, useful in training and research.

# NOTES

# KEY PROJECT STAFF

The Competency-Based Career Guidance Module Series was developed by a consortium of agencies. The following list represents key staff in each agency that worked on the project over a five-year period.

**The National Center for Research in Vocational Education**

Harry N. Drier ..... Consortium Director
Robert E. Campbell ..... Project Director
Linda A. Pfister ..... Former Project Director
Robert Bhaerman ..... Research Specialist
Karen Kimmel Boyle ..... Program Associate
Fred Williams ..... Program Associate

**American Institutes for Research**

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Linda Phillips-Jones ..... Associate Project Director
Jack Hamilton ..... Associate Project Director

**University of Missouri-Columbia**

Norman C. Gysbers ..... Project Director

**American Association for Counseling and Development**

Jane Howard Jasper ..... Former Project Director

**American Vocational Association**

Wayne LeRoy ..... Former Project Director
Roni Posner ..... Former Project Director

**U.S. Department of Education, Office of Adult and Vocational Education**

David Pritchard ..... Project Officer
Holli Condon ..... Project Officer

A number of national leaders representing a variety of agencies and organizations added their expertise to the project as members of national panels of experts. These leaders were--

Ms. Grace Basinger
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National Parent-Teacher Association

Dr. Frank Bowe
Former Executive Director

Ms. Jane Razeghi
Education Coordinator
American Coalition of Citizens with Disabilities

Mr. Robert L. Craig
Vice President
Government and Public Affairs
American Society for Training and Development

Dr. Walter Davis
Director of Education
AFL-CIO

Dr. Richard DiEugenio
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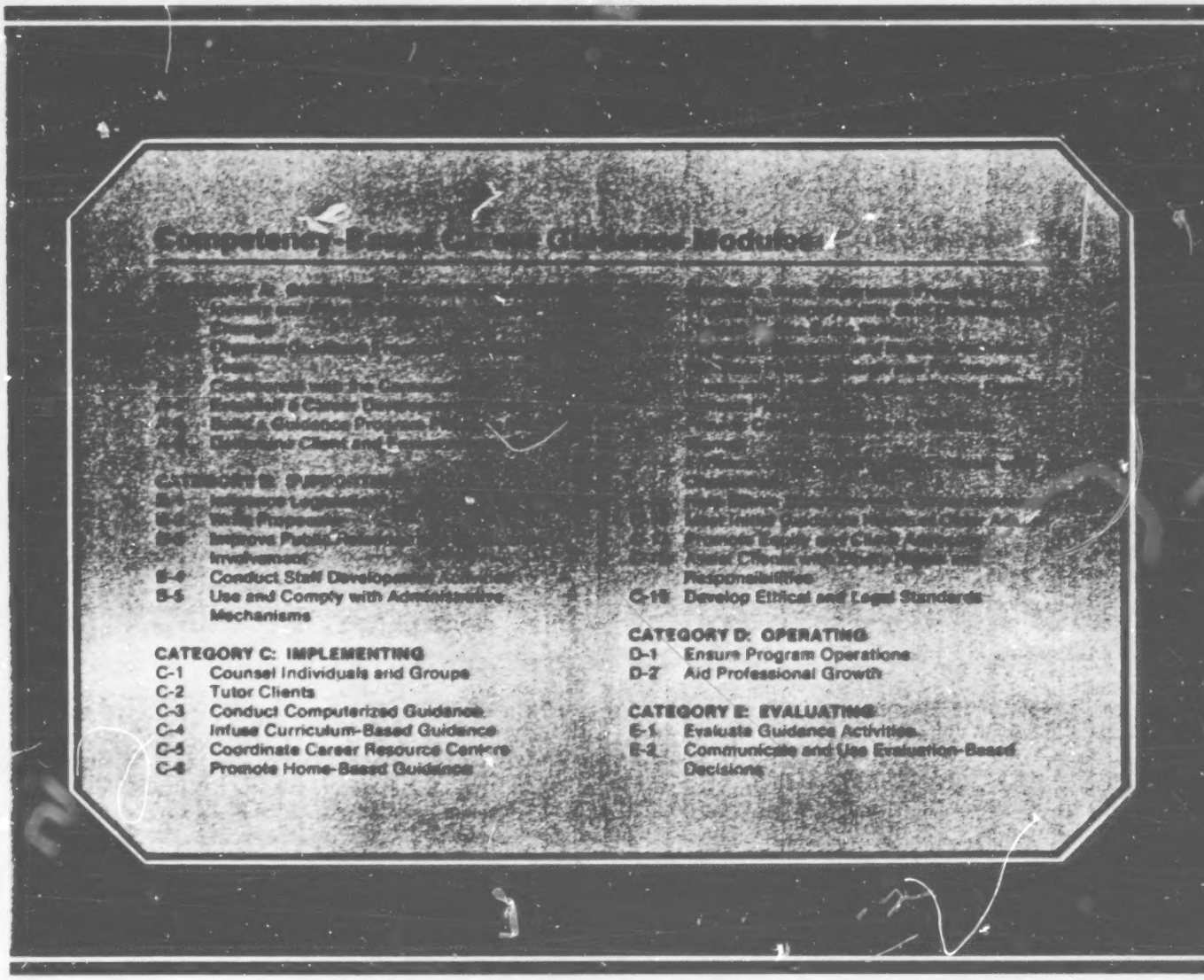
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C-4 Infuse Curriculum-Based Guidance
C-5 Coordinate Career Resource Centers
C-6 Promote Home-Based Guidance
C-15 Develop Ethical and Legal Standards
CATEGORY D: OPERATING
D-1 Ensure Program Operations
D-2 Aid Professional Growth
CATEGORY E: EVALUATING
E-1 Evaluate Guidance Activities
E-2 Communicate and Use Evaluation-Based Decisions

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